Case 09-32315 Doc 1 Filed 08/31/09 Entered 08/31/09 16:23:51 Desc Main Document Page 1 of 10

BI (Official Form 1)(United No			ruptcy of Illino						Petition
Name of Debtor (if in Gaither, Gloria		er Last, First	, Middle):			Name	of Joint Do	ebtor (Spouse	e) (Last, First	, Middle):	
All Other Names used (include married, mai			8 years					used by the maiden, and		in the last 8 years):	
Last four digits of Soc (if more than one, state a		ividual-Taxpa	ayer I.D. (ITIN) No./	Complete E		our digits o		r Individual-	Taxpayer I.D. (ITIN) No	o./Complete EIN
Street Address of Deb 6166 N. Sherida #6D		Street, City,	and State)	:		Street	Address of	f Joint Debtor	r (No. and St	reet, City, and State):	
Chicago, IL				Г	ZIP Code 60660						ZIP Code
County of Residence Cook	or of the Prin	cipal Place o	f Busines		00000	Count	y of Reside	ence or of the	Principal Pla	ace of Business:	
Mailing Address of D	ebtor (if diffe	erent from str	eet addres	ss):		Mailii	ng Address	of Joint Debt	tor (if differe	ent from street address):	
					ZIP Code						ZIP Code
Location of Principal (if different from street			:								
(Form of	page 2 of this udes LLC and not one of the a	ors) form. LLP)	Sing in 1 Rail Stoo	(Check look (Check box) (Check box) (Check box)	eal Estate as 101 (51B) oker mpt Entity s, if applicabl	s defined		the later 7 der 9 der 11 der 12 der 13 der 13 der primarily co	Petition is Fi		ecognition eding ecognition oceeding are primarily
			und Cod	er Title 26	exempt org of the Unite nal Revenue	d States	"incuri	d in 11 U.S.C. and the distribution of the dis	idual primarily household pur	/ for rpose."	ess debts.
■ Full Filing Fee att □ Filing Fee to be p attach signed appl is unable to pay fe □ Filing Fee waiver attach signed appl	ached aid in installn ication for the ee except in in	e court's cons nstallments. F	able to inc sideration Rule 1006 hapter 7 i	certifying t (b). See Offi ndividuals	hat the debt cial Form 3A only). Must	tor Check	Debtor is a if: Debtor's a to insider all applica A plan is Acceptance	a small busing not a small busing aggregate not a small busing sor affiliates; able boxes: being filed woces of the pla	ncontingent 1 are less than with this petition were solici	s defined in 11 U.S.C. § or as defined in 11 U.S. liquidated debts (exclud n \$2,190,000.	C. § 101(51D). ing debts owed e or more
Statistical/Administr ☐ Debtor estimates t ☐ Debtor estimates t there will be no fu	hat funds wil hat, after any	l be available exempt prop	erty is ex	cluded and	administrat		es paid,		THIS	S SPACE IS FOR COURT	USE ONLY
Estimated Number of 1- 50- 49 99	Creditors 100- 199	200-	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000			
Estimated Assets Stopping Sto		to \$1	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion				
Estimated Liabilities		\$500,001 to \$1	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion				

Case 09-32315 Doc 1 Filed 08/31/09 Entered 08/31/09 16:23:51 Desc Main Document Page 2 of 10 B1 (Official Form 1)(1/08) Page 2 Name of Debtor(s): **Voluntary Petition** Gaither, Gloria D. (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Case Number: Location Date Filed: Where Filed: - None -Location Case Number: Date Filed: Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Case Number: Date Filed: - None -District: Relationship: Judge: Exhibit A Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I (To be completed if debtor is required to file periodic reports (e.g., have informed the petitioner that [he or she] may proceed under chapter 7, 11, forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. Signature of Attorney for Stor(s) Bennett A. Kahn, Rae Kaplan Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: ☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment)

(Address of landlord)

- Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.
- Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).

Document

Page 3 of 10

B1 (Official Form 1)(1/08)

Page 3

V	์กไ	un	ta	rv	P	e	ti	ti	n	n
₹	v	uu	ıa	8 Y		·	ŧΙ	ųı	v	ш

(This page must be completed and filed in every case)

	Name of Debtor(s)):
--	-------------------	----

Gaither, Gloria D.

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signature of Debtor Gloria D. Gaither

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Attorney*

Signature of Attorney for Debtor(s)

Bennett A. Kahn, Rae Kaplan

Printed Name of Attorney for Debtor(s)

Law Offices of Melvin J. Kaplan & Associates P.C.

Firm Name

55 E. Jackson Blvd. Suite 650 Chicago, IL 60604

Address

Email: www.financialrelief.com (312)294-8989 Fax: (312)294-8995

Telephone Number

Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

Signature of Foreign Representative Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Address

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person,or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Case 09-32315 Doc 1 Filed 08/31/09 Entered 08/31/09 16:23:51 Desc Main Page 4 of 10 Document

B 1D(Official Form 1, Exhibit D) (12/08)

United States Bankruptcy Court Northern District of Illinois

In re	Gloria D. Gaither		Case No.	
		Debtor(s)	Chapter	7

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.] ____

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

□ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]

Case 09-32315 Doc 1 Filed 08/31/09 Entered 08/31/09 16:23:51 Desc Main Document Page 5 of 10

B 1D(Official Form 1, Exhibit D) (12/08) - Cont.
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or
mental deficiency so as to be incapable of realizing and making rational decisions with respect to
financial responsibilities.);
☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being
unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or
through the Internet.);
☐ Active military duty in a military combat zone.
☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.
I certify under penalty of perjury that the information provided above is true and correct.
Signature of Debtor: Harra D. Gatther
Gloria D. Gaither
Date: 6 29 CQ

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS

NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

- 1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

<u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments

Case 09-32315 Doc 1 Filed 08/31/09 Entered 08/31/09 16:23:51 Desc Main Document Page 7 of 10

B 201 (12/08)

over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
- 3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

Certificate of Attorney

I hereby certify that I delivered to the debtor this notice required by §,342(b) of the Bankruptcy Code. Bennett A. Kahn, Rae Kaplan Printed Name of Attorney Address: 55 E. Jackson Blvd. Suite 650 Chicago, IL 60604 (312)294-8989 www.financialrelief.com **Certificate of Debtor** I (We), the debtor(s), affirm that I (we) have received and read this notice Gloria D. Gaither Printed Name(s) of Debtor(s) Case No. (if known) Signature of Joint Debtor (if any) Date Beneficial Illinois c/o Freedman, Anselmo, et al 1807 W. Diehl Rd., Ste. 333 Naperville, IL 60566-7228

Bloomingdales 9111 Duke Blvd. Mason, OH 45040

Capital One c/o Collectcorp 455 N. 3rd St., Ste. 260 Phoenix, AZ 85004-3924

Capital One Bank c/o Freedman, Anselmo, et al 1807 W. Diehl Rd., Ste. 333 Naperville, IL 60566-7228

Capital One Bank*
P.O. Box 30273
Salt Lake City, UT 84130-0273

Capital One Bank*
P.O. Box 30285
Salt Lake City, UT 84130-0285

Citi Diamond Preferred P.O. Box 6000 The Lakes, NV 89163-6000

Citibank c/o Blatt, Hasenmiller, et al 125 S. Wacker Dr., Ste. 400 Chicago, IL 60606

Citibank
The Student Loan Corporation
P.O. Box 6615
The Lakes, NV 88901-6615

Citibank Mastercard c/o Client Services 3451 Harry Truman Blvd. Saint Charles, MO 63301-4047 Citicards
Box 6000
The Lakes, NV 89163-6000

Citimortgage P.O. Box 829009 Dallas, TX 75382-9009

Dell Financial c/o I.C. System 444 Hwy. 96 East, P.O. Box 64887 Saint Paul, MN 55164-0887

Direct Loans U.S. Dept. of Education P.O. Box 530260 Atlanta, GA 30353-0260

HSBC Bank c/o CCB Credit Services P.O. Box 272 Springfield, IL 62705-0272

HSBC Bank P.O. Box 88000 Baltimore, MD 21288-0001

HSBC Bank c/o MCM Dept. 12421, P.O. Box 603 Oaks, PA 19456

HSBC Card Services Payment Center P.O. Box 17313 Baltimore, MD 21297-1313

HSBC Card Services P.O. Box 17051 Baltimore, MD 21297

Internal Revenue Service* P.O. Box 21126 Philadelphia, PA 19114

ISAC 1755 Lake Cook Rd. Deerfield, IL 60015-5209

Juniper c/o Northstar Location Services 4285 Genesee St. Buffalo, NY 14225-1943

Macys GE Mid Prime c/o Client Services 3451 Harry Truman Blvd. Saint Charles, MO 63301-4047

United Credit Union 4444 S. Pulaski Road Chicago, IL 60632